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Attorneys for Defendant
United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

SAMSON TUG AND BARGE CO., INC., an
Alaska Corporation } Civil No. A03-006 CV
Plaintiff/Appellant } IN ADMIRALTY
v. }
UNITED STATES OF AMERICA, } (PROPOSED)
acting by and through } ORDER
the UNITED STATES DEPARTMENT of the }
NAVY MILITARY SEALIFT COMMAND, }
and UNITED STATES DEPARTMENT OF }
THE ARMY MILITARY TRAFFIC }
MANAGEMENT COMMAND }
Defendants/Appellees }

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

SAMSON TUG AND BARGE CO., INC., an
Alaska Corporation) Civil No. A03-006 CV
Plaintiff/Appellant)
v.)
UNITED STATES OF AMERICA,)
acting by and through) ORDER GRANTING
the UNITED STATES DEPARTMENT of the) MOTIONS *IN LIMINE* BROUGHT
NAVY MILITARY SEALIFT COMMAND,) BY DEFENDANT USA
and UNITED STATES DEPARTMENT OF)
THE ARMY MILITARY TRAFFIC)
MANAGEMENT COMMAND)
Defendants/Appellees)

Motions *in limine* having been brought by defendant, United States of America, regarding the testimony of certain of plaintiff's witnesses; and

Good cause appearing for the motions to be granted in their entirety; its is therefore hereby

ORDERED that the motions of the United States be and hereby are granted; and further that

Plaintiff Samson may not call witnesses to testify at trial that it did not disclose by the deadlines set by this Court; and further that

1 Plaintiff Samson may not call witnesses to testify at trial regarding those subjects on
 2 which it failed to produce a witness pursuant to Fed.R.Civ.Pro.30(b)(6), as follows: the
 3 factual basis for its contentions that a diversion of what it calls "contract cargo" actually
 4 occurred and that the alleged diversion was to air carriage; that the Government had
 5 supposedly agreed to ship "all military and military sponsored cargo" with Samson; that the
 6 denial by the Government of its claim was baseless; and that Samson is entitled to attorneys'
 7 fees, and the amount thereof; and further that

8 Plaintiff Samson may not seek to introduce the untimely last report of its damage
 9 expert George Johnson, and that his testimony on subjects related to air cargo and records
 10 related thereto, as contained in that report, is excluded at trial on the basis that it was
 11 improperly disclosed and that he does not possess the qualifications nor has he followed a
 12 methodology which would permit him to testify as an expert on said subjects at trial.

13 IT IS SO ORDERED this _____ day of _____, 2008 in Anchorage, Alaska.

14

 UNITED STATES DISTRICT COURT JUDGE

15 SUBMITTED BY:

16 Dated: March 31, 2008

17 JEFFREY S. BUCHOLTZ
 18 Acting Assistant Attorney General
 19 NELSON P. COHEN
 20 United States Attorney
 21 GARY GUARINO
 22 Chief, Civil Division
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27
 28 s/Jeanne M. Franken

29 JEANNE M. FRANKEN
 30 Trial Attorney
 31 Torts Branch, Civil Division
 32 U.S. Department of Justice

33
 34 Attorneys for Defendant
 35 United States of America

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 31, 2008, a copy of the foregoing (PROPOSED) ORDER, was served electronically on:

Richard D. Gluck, Esq.
Garvey Schubert Barer

William G. Royce, Esq.
Law Office of William G. Royce

Attorneys for Plaintiff/Appellant
Samson Tug and Barge Company, Inc.

s/Jeanne M. Franken

JEANNE M. FRANKEN